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E-FILED 10/24/2007

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 12 IN THE UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 PHASE FORWARD INCORPORATED,)

16 Plaintiff,)

17 v.)

18 MARY NOEL ADAMS,
 d/b/a PHASE FORWARD, and PHASE
 19 FORWARD, LLC,)

20 Defendants.)

CASE NO. C 05-4232 JF (HRL)

**STIPULATION AND
~~PROPOSED~~ ORDER TO
 REMOVE DEFENDANT'S
 MOTION FOR PROTECTIVE
 ORDER OFF CALENDAR**

Date: November 13, 2007

Time: 9:00 a.m.

Dept: Courtroom 2, 5th Floor

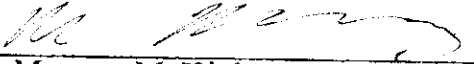
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 24 Plaintiff Phase Forward Incorporated ("PFI") and Defendants Mary Noel
 25 Adams and Phase Forward LLC (collectively, the "parties"), by and through their
 26 respective counsel, hereby stipulate and jointly request that the Court remove from its
 27 calendar the hearing on Defendants' Motion for a Protective Order Precluding the Trial
 28 Deposition of Vinka Ljubimir, or in the Alternative, Protective Order Regulating the Place

1 and/or Method of Deposition ("Defendants' Motion").

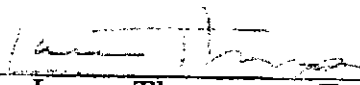
2 As PFI does not intend to re-notice Ms. Ljubimir's deposition but rather will call
3 her as a live witness at trial, the parties further stipulate that Defendants' Motion is moot
4 and will be withdrawn. Finally, the parties stipulate and jointly request that no further
5 briefing be conducted in connection with Defendants' Motion.

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8 DATED: 10/23/07

PHILLIPS, ERLEWINE & GIVEN LLP

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10 By: 
11 Meagan McKinley-Ball
Attorneys for Plaintiff

12 DATED: October 23, 2007

13 
14 Laura Thompson, Esq.
15 Attorney for Defendant

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17 PURSUANT TO STIPULATION,
18 IT IS SO ORDERED.

ORDER

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21 DATED: October 24, 2007

22 
23 HON. HOWARD R. LLOYD
24 UNITED STATES DISTRICT JUDGE
25 MAGISTRATE
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